

"An Act to amend Subdivision 5 of Article 7618 of the Revised Civil Statutes of 1911, as amended by Chapter 124, page 190, General Laws, Regular Session, Thirty-fourth Legislature, approved March 22, 1915, pertaining to the collection of delinquent and insolvent taxes and making reports of same by county tax collectors.

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, June 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 12, A bill to be entitled "An Act to amend Article 7629 of the Revised Civil Statutes of 1911, pertaining to credits allowed tax collectors for unpaid taxes reported or returned by them as delinquent or insolvent."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, June 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 60, A bill to be entitled "An Act amending Article 7542 as amended by the Acts of 1897, defining the duties of the tax assessor and his deputies; prescribing an oath to be administered to the tax payers and those who render property for taxation and providing a penalty for failure to comply with the requirements of this Act."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

## FIFTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, June 7, 1923.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Wirtz.
McMillin.	Wood.
Parr.	Woods.

Absent.

Bailey.	Watts.
Cousins.	Witt.
Murphy.	

Absent—Excused.

Bledsoe.	Doyle.
Davis.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Clark.

(See Appendix for committee reports, petitions and memorials.)

Excused.

Senator Doyle for today and until Monday, on account of important business, on motion of Senator Strong.

## Bills on First Reading.

The following bills, introduced today, were read first time and referred to appropriate committees as follows:

By Senator Clark:

S. B. No. 20, A bill to be entitled "An Act providing for the supervision and regulation of the transportation of persons and property for compensation or hire over any pub-

lic highway by motor propelled vehicles; defining auto transportation companies as common carriers and providing for their supervision; providing for the furnishing of liability insurance or a surety bond by auto transportation companies; defining the duties and powers of the Railroad Commission of Texas over auto transportation companies authorizing the Railroad Commission of Texas to make rules and regulations for governing auto transportation companies, to fix rates, supervise service, make investigation of books, accounts, and the doing of all other matters and things pertaining to auto transportation that may be necessary in the matter of regulation and control; authorizing the Railroad Commission of Texas to punish for contempt for the violation of its rules and regulations; providing a penalty for the violation of the law and the rules and regulations of the Railroad Commission of Texas; providing for additional office space and the employment of the necessary employees to administer and enforce this law, and the payment of such employees and all other expense out of the funds derived from fees and fines and providing for payment in event of deficit, and declaring an emergency."

To the Committee on State Affairs.

By Senators Baugh, Bowers, Murphy, Wirtz, and Lewis:

S. B. No. 21, A bill to be entitled "An Act to amend Subdivision 2 of Section 2 and Section 4 of House Bill No. 183, passed at the Second Called Session of the Thirty-eighth Legislature, and being:

"An Act to provide for the organization of corporations for the purpose of borrowing and loaning money to their members only and for the discount and re-discount of notes, or other evidences of indebtedness for their members and authorizing such corporations to become endorsers on notes or other evidences of indebtedness of their members—providing that such notes or other evidences of indebtedness, are made for the purposes provided in the Federal 'Agricultural Credits Act of 1923,' and for the purpose of loaning money to their members stockholders—where the money is to be used for the production and marketing of staple agricultural productions, or for the rais-

ing, breeding, fattening or marketing of live stock, and the purchase and payment for capital stock of such corporation.

"Providing that no corporation shall be organized under the provisions of this Act with a capital stock of less than \$10,000, all of which shall be fully paid in at the time of filing the articles of incorporation, and such capital stock shall be invested in securities approved for investment by saving banks under the laws of Texas; and

"Providing that such corporation shall by their by-laws provide for the automatic increase of their capital stock, and authority is given for such automatic increase, providing that such capital stock shall be increased at the rate of ten per centum of the amount of loans made by such corporations; and

"Providing that such corporation shall not make loans in excess of ten times their unimpaired capital stock represented by that part of its capital automatically increased; and

"Providing such corporations may by their articles of incorporation provide for preferred and common stock, and if provision be made for preferred stock the articles of incorporation shall provide for payment of dividends thereon, and for the retirement of both classes of stock; and

"Providing that banking, or other corporations, except saving banks, may—upon the approval of the Commissioner of Banking and Insurance—first had and obtained invest in the preferred stock of such corporations; and

"Providing, also, the requirements to be set out in the articles of incorporation of such corporations; and

"Providing for the filing of reports with the Secretary of State and the payment of fees therefor, and defining the liability of stockholders, preferred or common, for the debts or engagements of such corporations;

"Providing for the maximum amount of interest; and declaring an emergency."

To the Committee on State Affairs.

By Senator Wood:

S. B. No. 22, A bill to be entitled "An Act making an appropriation

for two years for any unexpended balance of an appropriation made to purchase additional lands for the University of Texas, which appropriation was made by the Thirty-seventh Legislature at its Regular Session, said Act being Chapter 137 of the General Laws of said Regular Session; and declaring an emergency."

To the Committee on State Affairs.

By Senator Burkett:

S. B. No. 23, A bill to be entitled "An Act to amend Sections 1 and 3, Chapter 2, Special Laws of Texas, Thirty-seventh Legislature, First Called Session, an Act creating the McCaulley County Line Independent School District in Fisher and Jones Counties; and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Burkett:

S. B. No. 24, A bill to be entitled "An Act to create the Sylvester Independent School District in Fisher County, Texas, including the present Sylvester Independent District of said county; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Sylvester Independent District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas; providing for the assumption of any outstanding bonded indebtedness created by the present Sylvester Independent District; and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Holbrook:

S. B. No. 25, A bill to be entitled "An Act creating the West Columbia Independent School District, in Brazoria County, Texas; defining its boundaries, including the present Common School District No. 16 in Brazoria County, Texas; providing for a board of trustees in said district, conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State of Texas

upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; validating a bond issue of \$40,000 heretofore voted in said district; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

To the Committee on Educational Affairs.

#### S. B. No. 4 on Engrossment.

The Chair laid before the Senate as pending business, on its passage to engrossment, S. B. No. 4, making appropriations for the support of the various departments of the State government for the ensuing two years, the Department of the State Board of Control being under consideration at the time the Senate adjourned on yesterday.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 4, page 9, line 17, by striking out the figures "\$600 each" and insert in lieu thereof the figures "\$780.00."

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend S. B. No. 4, page 10, line 22, by striking out the word "nine" and insert in lieu thereof the word "five" and by striking out the figures "\$8,100.00—\$8,100.00" and insert in lieu thereof the figures \$4,500.00—\$4,500.00."

On motion of Senator Wood, the amendment was tabled.

Senator Bowers offered the following amendment to the bill:

Amend S. B. No. 4, page 10, lines 19 and 20, by striking out the figures "\$600.00" in line 20, and insert figures "\$720.00" and by striking out figures "\$3,600.00—\$3,600.00" and inserting in lieu thereof the figures "\$4,320.00—\$4,320.00."

The amendment was adopted.

Senator Lewis offered the following amendment to the bill:

Amend S. B. No. 4, page 9, by striking out line 10.

The amendment was adopted.

Senator Lewis offered the following amendment to the bill:

Amend S. B. No. 4, page 9, by striking out all of line 24.

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10.

Clark.	Ridgeway.
Darwin.	Rogers.
Fairchild.	Turner.
McMillin.	Wood.
Parr.	Woods.

Nays—11.

Bailey.	Lewis.
Baugh.	Pollard.
Burkett.	Rice.
Cousins.	Strong.
Floyd.	Wirtz.
Holbrook.	

Absent.

Bowers.	Thomas.
Murphy.	Witt.
Stuart.	

Absent—Excused.

Bledsoe.	Doyle.
Davis.	Watts.

Senator McMillin offered the following substitute for the amendment:

Amend S. B. No. 4, substitute, page 9, line 24, by changing the figures "\$600.00" to "\$300.00" in both columns.

The substitute was adopted, and the amendment as substituted was then adopted.

Senator Lewis offered the following amendment to the bill:

Amend S. B. No. 4, page 11, line 6, by striking out the figures "\$55,000.00" in each column and inserting in lieu thereof the figures "\$35,000.00" in each column.

The amendment was adopted.

(Senator Rogers in the Chair.)

Senator Lewis offered the following amendment to the bill:

Amend S. B. No. 4, page 11, line 23, by striking out the figures "\$3,000.00" in the first column and "\$2,500.00" in the second column and inserting in lieu thereof the figures "\$2,250.00" in each column.

The amendment was adopted.

The Department of the Attorney General was read.

Senator Burkett offered the following amendment to the bill:

Amend S. B. No. 4, page 14, line 29, by striking out the figures "\$12,000.00—\$12,000.00" and insert the figures "\$6,000.00—\$6,000.00."

On motion of Senator Clark, the amendment was tabled.

Senator Burkett offered the following amendment to the bill:

Amend S. B. No. 4, page 14, line 23, by striking out the figures "\$12,000.00—\$12,000.00" and insert the figures "\$6,000.00—\$6,000.00."

On motion of Senator Wood, the amendment was tabled.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 4, page 14, after line 6 before line 7 by adding line 6a to read as follows:

"Porter, \$780.00—\$780.00."

Senator Lewis offered the following substitute for the amendment:

Amend S. B. No. 4, page 14, line 9, by striking out the word "Librarian" and inserting in lieu thereof the word "Porter."

The substitute was adopted, and the amendment as substituted was then adopted.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 4, page 10, line 12, by striking out the figures "\$780" each year and insert in lieu thereof the figures "\$1,000" each year.

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend S. B. No. 4, page 14, line 7, by striking out the word "nine" and insert in lieu thereof the word "six" and by striking out the figures "\$13,500—\$13,500" and insert in lieu thereof the figures "\$9,000—\$9,000."

On motion of Senator Clark, the amendment was tabled.

Senator Baugh offered the following amendment to the bill:

Amend S. B. No. 4, page 18, by inserting between lines 28 and 29 the following: "Supervisor of music, \$2,500.00—\$2,500.00."

Senator Clark moved to table the amendment.

Yeas and nays were demanded, and the motion prevailed by the following vote:

## Yeas—13.

Bailey.	McMillin.
Burkett.	Rice.
Clark.	Strong.
Cousins.	Thomas.
Fairchild.	Turner.
Floyd.	Woods.
Holbrook.	

## Nays—10.

Baugh.	Ridgeway.
Lewis.	Rogers.
Murphy.	Stuart.
Parr.	Witt.
Pollard.	Wood.

## Absent.

Bowers.	Wirtz.
Darwin.	

## Absent—Excused.

Bledsoe.	Doyle.
Davis.	Watts.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 4, page 14, by striking out lines 25, 26, 27 and 28 and all the wording in line 29, and insert in lieu thereof the following:

"For the prosecution and defense of

all other cases now pending, or hereafter filed in or appealed to the Supreme Court of the United States, including the cases of New Mexico versus Texas, Oklahoma versus Texas, and of Texas versus New Mexico, and the Cherokees and associate bands versus Texas, which last two cases may be filed, of Texas versus the Interstate Commission et al., and all other suits pending or to be pending in the Supreme Court of the United States, whether specially here named or not, and all cases or hearings which are before or which may come before the Interstate Commerce Commission of the United States; this appropriation to include cost of investigations and all other necessary expenses pertaining to all suits, claims, and investigations, and including the cost and expense of employing experts, attorneys, court costs and all other expenses necessary in representing the interest of the State in the Supreme Court of the United States and before the Interstate Commerce Commission."

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 4, by striking out all items under the Department of Insurance and Banking, and insert in lieu thereof the following:

## DEPARTMENT OF INSURANCE AND BANKING.

	For the years ending	
	August 31, 1924.	August 31, 1925.
Commissioner . . . . .	\$ 4,000.00	\$ 4,000.00
Deputy commissioner . . . . .	3,600.00	3,600.00
Actuary . . . . .	3,600.00	3,600.00
Actuary, assistant . . . . .	3,000.00	3,000.00
Bookkeeper and cashier . . . . .	2,100.00	2,100.00
Certificate clerks, two . . . . .	3,000.00	3,000.00
Certificate clerks, three (April, May and June at \$225 each) . . . . .	675.00	675.00
Actuarial clerk . . . . .	1,800.00	1,800.00
Registry clerk . . . . .	1,800.00	1,800.00
File clerk . . . . .	1,800.00	1,800.00
Stenographer to Commissioner and securities clerk . . . . .	1,800.00	1,800.00
Stenographer to deputy insurance commissioner . . . . .	1,500.00	1,500.00
Stenographer to actuary . . . . .	1,500.00	1,500.00
Stenographer to registry clerk . . . . .	1,500.00	1,500.00
Tax clerk and statistician . . . . .	1,800.00	1,800.00
Maintenance Items:		
Binding annual statements of insurance companies . . . . .	\$ 150.00	\$ 150.00
Enforcement of insurance laws . . . . .	5,000.00	5,000.00
Furniture and fixtures, including Hollerith calculating and adding machines, typewriters, certificate files and letter files . . . . .	2,500.00	2,500.00
Postage, telegraph, telephone and stationery . . . . .	3,000.00	3,000.00

	For the years ending	
	August 31, 1924.	August 31, 1925.
Publishing insurance laws, to be expended in two years . . . . .	1,000.00	
Rent on telephones . . . . .	150.00	150.00
Traveling expenses . . . . .	2,500.00	2,500.00
Contingent expenses . . . . .	1,200.00	1,200.00
The amendment was adopted.		

Senator Clark offered the following amendment to the amendment:

Amend the amendment by striking out "Deputy Insurance Commissioner, with salary \$3,600.00 per year."

The amendment was adopted.

Senator Strong offered the following amendment to the amendment:

Amend the amendment by striking out the appropriation for stenographer for Deputy Insurance Commissioner on page 115 of the Senate Journal, line 4.

The amendment was adopted.

Senator McMillin offered the following amendments to the amendment:

Amend pending amendment under head of "Actuary" by changing the figures "\$3,600" in each column and inserting in lieu thereof the figures "\$2,700."

(2)

Amend pending amendment under the head of "Actuary Assistant" by striking out the figures "\$3,000" in each column and insert the figures "\$1,800."

The amendments were adopted.

Senator Witt offered the following amendment to the amendment:

Amend the amendment so as to make salary of Actuarial Clerk "\$1,500" each year.

The amendment was adopted.

Senator Strong offered the following amendment to the amendment:

Amend the amendment by striking out the figures "\$1,800" each year under the head of "File Clerk" and insert in lieu thereof "\$1,500" each year.

The amendment was adopted.

(Lieutenant Governor T. W. Davidson in the Chair.)

Senator McMillin offered the following amendment to the amendment:

Amend pending amendment under the head of "Tax Clerk and Statistician" by striking out the figures "\$1,800" in each column and inserting

in lieu thereof the figures "\$1,500" in each column.

The amendment was adopted.

Senator Strong offered the following amendment to the amendment:

Amend the amendment by making the salary of Registry Clerk "\$1,500" each year.

The amendment was adopted.

Senator McMillin offered the following amendment to the amendment:

Amend pending amendment as amended under head of "file clerk" by striking out the figures "1,500.00" in each column, and inserting in lieu thereof the figures "\$1,200.00" in each column.

The amendment was adopted.

Senator Strong offered the following amendment to the amendment:

Amend the amendment by making salary of stenographer to Commissioner and securities clerk, "\$1,500.00" each year.

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend the pending amendment by striking out line 17 and inserting in lieu thereof the following:

"Enforcement of any laws administered by the Commissioner of Insurance and Banking, \$1,500.00—\$1,500.00."

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 4, page 26, by adding between lines 1 and 2, the following:

"Provided that if it should be found that any appropriation made for the Insurance Department is to take care of work or duties properly belonging under the law to the Banking Department, such appropriation shall be available for such purpose to the Banking Department."

The amendment was adopted.  
The amendment as amended was then adopted.  
Senator Wood offered the follow-

ing amendments to the bill:  
Amend S. B. No. 4 by inserting after the Department of Insurance and Banking the following:

## BANKING DEPARTMENT.

	For the years ending	
	August 31, 1924.	August 31, 1925.
Commissioner . . . . .	\$ 6,000.00	\$ 6,000.00
Commissioner, deputy bank . . . . .	5,000.00	5,000.00
General liquidating agent, which salary shall be prorated by banks in liquidation . . . . .	5,000.00	5,000.00
Departmental examiner . . . . .	5,000.00	5,000.00
Bank examiners, twenty-four (\$2,400.00 for the first year's service to \$4,000.00 for sixth year's service) . . . . .	76,000.00	82,000.00
Bond clerk and stenographer to Commissioner . .	1,800.00	1,800.00
Stenographer to deputy bank commissioner . . . .	1,500.00	1,500.00
Stenographer to departmental examiner . . . . .	1,500.00	1,500.00
Stenographer, one . . . . .	1,200.00	1,200.00
Charter Clerk . . . . .	1,800.00	1,800.00
Call ledger clerks, two . . . . .	2,700.00	2,700.00
Bookkeeper and cashier . . . . .	2,100.00	2,100.00
File clerk and assistant bookkeeper . . . . .	1,200.00	1,200.00
Porter . . . . .	720.00	720.00
Maintenance Items:		
Contingent expenses . . . . .	\$ 500.00	\$ 500.00
Enforcement banking laws . . . . .	5,000.00	5,000.00
Expenses of examination of building and loan associations . . . . .	3,000.00	3,000.00
Furniture and fixtures, including calculating, adding machines and typewriters . . . . .	1,500.00	1,500.00
Postage, telegraph, telephone and stationery . . .	4,000.00	4,000.00
Printing and distributing banking laws to be used in two years and the Commissioner is authorized to sell the same at such a price as will cover the cost of printing and distributing, the receipts to go into the general revenue of the State . . . . .	1,500.00	
Rent on telephone . . . . .	300.00	300.00
Traveling expenses, Commissioner, deputy bank commissioner, departmental examiner, examiners and authorized representatives . . . . .	50,000.00	50,000.00

Senator Fairchild offered the following amendment to the amendment:  
Amend line 9 of the pending amendment by striking out figures "\$1,200" each year, and insert in lieu thereof "\$1,500" each year.

The amendment was adopted.

Senator Wood offered the following amendment to the amendment:  
Amend the pending amendment by striking out line 17 of said pending amendment and insert in lieu thereof the following:

"Enforcement of any law administered by the Banking Commissioner of Texas, \$3,000.00 each year."

Amend the pending amendment by adding at the end of said amendment the following:

"Provided that if it should be found that any appropriation made for the Banking Department is to take care of work or duties properly belonging under the law to the Insurance Department such appropriation shall be available for such purpose to the Insurance Department.

"All salaries to be paid in twelve equal monthly installments unless otherwise provided for herein.

"Provided that all moneys collected by the authority of law from State banks, State bank and trust companies, or from any other source, shall be paid into the State Treasury.

"The appropriations herein provided for are to be construed as the

maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligation be incurred, which, added to the actual expenditures will exceed the amounts herein appropriated for either of the said purposes.

"Provided further, that it shall be the duty of the head of the department to transfer any employee of his office to any desk or place within his department, when necessary to perform the duties of the department and proper dispatch of business."

The amendment was adopted.

The amendment as amended was then adopted.

Senator McMillin offered the following amendment to the bill:

Amend S. B. No. 4, page 19, line 32, by striking out the words "Educational Bulletin."

On motion of Senator Witt, the amendment was tabled.

Senator Strong moved to reconsider the vote by which the amendment was tabled.

Yeas and nays were demanded, and the motion to reconsider was lost by the following vote:

**Yeas—9.**

Bailey.	McMillin.
Clark.	Parr.
Cousins.	Rice.
Fairchild.	Strong.
Floyd.	

**Nays—13.**

Baugh.	Rogers.
Burkett.	Stuart.
Holbrook.	Thomas.
Lewis.	Turner.
Murphy.	Witt.
Pollard.	Wood.
Ridgeway.	

**Present—Not Voting.**

Woods.

**Absent.**

Bowers.	Wirtz.
Darwin.	

**Absent—Excused.**

Bledsoe.	Doyle.
Davis.	Watts.

Senator Burkett offered the following amendment to the bill:

Amend S. B. No. 4, page 22, by striking out all of lines 10 to 32, and

on page 23 all of lines 1 to 12, inclusive.

On motion of Senator Wood the amendment was tabled.

Senator McMillin offered the following amendment to the bill:

Amend S. B. No. 4, page 20, line 5, by striking out the figures "\$12,500" in each column and insert the figures "\$10,000" in each column.

The amendment was adopted.

Question: Shall the bill be passed to engrossment?

**Simple Resolution No. 18.**

By Senators Murphy and Parr:

Whereas, The Hon. R. M. Johnston, a former distinguished member of this body, and also of the United States Senate, is now in the Capitol; therefore, be it

Resolved, That he be invited to address the Senate and extended the privileges of the floor.

The resolution was read and adopted.

The Chair appointed Senators Murphy, Parr and Bailey as a committee to escort Col. Johnston to the President's stand.

Being presented by Senator Murphy, Col. Johnston then addressed the Senate.

**Message from the Governor.**

Governor's Office.

Austin, Texas, June 7, 1923.

To the members of the Thirty-eighth Legislature, Third Called Session:

Gentlemen: I submit to you for your consideration the following subject matters:

An amendment to House Bill No. 183, passed at the Second Called Session of the Thirty-eighth Legislature, pertaining to the organization of corporations for the purpose of borrowing and loaning money to the members of said organizations;

An Act providing for the teaching of the Constitution of the United States, and the Constitution of Texas, in the public schools of the State;

A law providing for the equalization of taxes so that each dollar's worth of property in the State will bear its proportionate part of the burdens of the Government;

An Act providing for the construction of permanent improvements for



the University of Texas out of the income of the available funds belonging to said institution;

A law prescribing the size and character of lights for motor vehicles used on the public highways of Texas;

A law changing the name of what is now known as the Commission of Insurance and Banking, in keeping with laws recently passed by the Legislature;

The passage of a law creating an illiteracy commission, to the end that illiteracy in Texas may be reduced to the lowest possible minimum;

An Act making it a penitentiary offense for anyone engaged in the manufacture, transportation, or sale of intoxicating beverages, or any out-lawed narcotics, to have on or about premises where said intoxicating beverages or out-lawed narcotics are manufactured, transported, or kept, fire-arms, or other deadly weapons;

An Act authorizing any city in the State of Texas that has more than one hundred thousand inhabitants to dis-annex unimproved territory within said city limits;

An Act regulating by taxation and otherwise, the use of trucks and jitneys used for hire and general traffic on the public highways of the State.

The following local bills are submitted for your consideration and passage:

The creation of independent school districts in the following counties: Hockley County, Pecos County, Bailey County, Rockwall County, Brazoria County, Nolan County, Live Oak County, Terry County, Fisher County, Throckmorton County, Stephens County;

An Act creating a reclamation district for flood control in Hidalgo and Cameron Counties;

A law clearing the title to some city lots located in Colorado, Texas, alleged to belong to the Georgia Technological College;

An Act validating public free school lands purchased during the years 1895 and 1896;

An Act authorizing the commissioners' court of Floyd County to execute a deed of confirmation to the sale of a certain 211 acres of land out of Section No. 89, Certificate No.

1497, as shown by the official map of Floyd County.

Respectfully submitted.

PAT M. NEFF,  
Governor.

Recess.

On motion of Senator Holbrook, the Senate at 12:20 p. m. recessed until 2 p. m. today.

### Afternoon Session.

The Senate met at 2 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

### H. B. No. 77—Conference Committee Report.

Senator Wood offered the following report of the Free Conference Committee on H. B. No. 77:

Committee Room,

Austin, Texas, June 7, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives, and Hon. T. W. Davidson, President of the Senate.

Sirs: We, your Conference Committee on H. B. No. 77, beg leave to report that we have adjusted the differences between the House of Representatives and the Senate, the House of Representatives agreeing to concur in Senate amendments Nos. 1, 2, 3 and 4, and the Senate agreeing to recede from their amendment No. 5.

Respectfully submitted,

POTTER,  
WALLACE,  
LESTOURGEON,  
ABNEY,  
THRASHER,

On the part of the House.

WOOD,  
BAILEY,  
BURKETT,  
DARWIN,  
PARR,

On the part of the Senate.

On motion of Senator Wood, the report was adopted by the following vote:

—Senate.

## Yeas—22.

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Clark.	Stuart.
Darwin.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Parr.	Woods.

## Absent.

Cousins.	Murphy.
Lewis.	Pollard.

## Absent—Excused.

Bledsoe.	Doyle.
Davis.	Watts.

**S. B. No. 6—Free Conference Committee Requested.**

Senator Wood called up S. B. No. 6, and moved that the Senate do not concur in the House amendments, but that a Free Conference Committee be requested.

The motion was adopted.

**S. B. No. 10—Free Conference Committee Requested.**

Senator Wood called up S. B. No. 10, and moved that the Senate do not concur in the House amendments, but that a Free Conference Committee be requested.

The motion was adopted.

**H. B. No. 35—Free Conference Committee Appointed.**

Senator Wood moved that the Senate grant the request of the House for a Free Conference Committee on H. B. No. 35.

The motion was adopted.

In accordance with the above motion, the Chair (Lieutenant Governor T. W. Davidson) announced the appointment of the following committee on the part of the Senate:

Senators Holbrook, Stuart, Woods, Wirtz, Floyd.

**S. B. No. 6—Free Conference Committee Appointed.**

The Chair (Lieutenant Governor T. W. Davidson) announced the appointment of the following on the part of the Senate as the Free Conference Committee on S. B. No. 6: Senators Wood, Ridgeway, Clark, Pollard and Rice.

**S. B. No. 10—Free Conference Committee Appointed.**

The Chair (Lieutenant Governor T. W. Davidson) announced the appointment of the following on the part of the Senate as the Free Conference Committee on S. B. No. 10: Senators Wood, Cousins, Murphy, Bowers and Baugh.

**Simple Resolution No. 19.**

By Senator McMillin:

Whereas, The Hon. Chas. A. Wheeler, formerly an honored member of this body, is now within the city and on the floor of the Senate; therefore, be it

Resolved, That he be invited to address the Senate and be accorded the privileges of the floor.

McMillin, Darwin, Rice, Stuart, Baugh, Rogers, Lewis.

The resolution was read and adopted.

The Chair appointed Senators McMillin, Darwin and Rice as a committee to escort Mr. Wheeler to the President's stand.

Being presented by Senator McMillin, Mr. Wheeler then addressed the Senate.

**Simple Resolution No. 20.**

By Senator Fairchild:

Whereas, The Legislature will adjourn by operation of law on Thursday next; and

Whereas, The various appropriation bills and the various revenue producing bills have not been disposed of at this session of the Legislature; and

Whereas, It is very necessary that these bills be finally disposed of before the adjournment day, and if

not, it will necessarily necessitate another called session of the Texas Legislature; therefore, be it

Resolved, By the Senate of Texas, that we do not take up and consider any bill other than revenue and appropriation bills until they are finally disposed of.

The resolution was read, and on motion of Senator Bailey was referred to the Committee on Rules.

#### S. B. No. 4 on Engrossment.

The Chair laid before the Senate as pending business, on its passage to engrossment,

S. B. No. 4, making appropriations for the support of the various departments of the State government for the ensuing two years.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 4, page 27, by inserting between lines 23 and 24 the following:

"Inheritance tax, chief clerk, \$2,100.00—\$2,100.00.

"Stenographer and bookkeeper, one, \$1,500.00—\$1,500.00.

"For special auditors and traveling expenses for collecting inheritance taxes, \$2,000.00—\$5,000.00."

The amendment was adopted.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 4 by adding between lines 23 and 24, page 27 of the bill, the following:

"Financial statistics clerk, who shall keep such records of the fiscal affairs of the State government as will enable him to prepare at any time a complete financial statement of State affairs and who shall prepare such statement for public information at the end of each month; to be under the joint direction of the State Comptroller and State Treasurer. \$2,700.00—\$2,700.00."

The amendment was adopted.

Senator Baugh offered the following amendments to the bill:

(1)

Amend S. B. No. 4, page 27, line 10, by striking out the figures "\$2,000.00" and inserting in lieu thereof the figures "\$2,100.00" in each column.

(2)

Amend S. B. No. 4, page —, line 28, by striking out the figures

"\$2,000.00" and inserting in lieu thereof the figures "\$2,100.00" in each column.

(3)

Amend S. B. No. 4, page 26, line 26, by striking out the figures "\$1,200.00" and inserting in lieu thereof the figures "\$1,500.00" in each column.

The amendments were adopted.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4, page 29, by striking out all of line No. 16.

On motion of Senator Clark, the amendment was tabled.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4 by striking out all the appropriation for Bureau of Vital Statistics, pages 29 and 30.

On motion of Senator Clark, the amendment was tabled.

Senator Stuart offered the following amendments to the bill:

(1)

Amend S. B. No. 4, page 29, by changing the figures in each place they appear in line 25 from "\$1,350.00" to "\$1,500.00."

(2)

Amend S. B. No. 4, page 29, by inserting a new line, 25a, as follows: "25a, Filing clerk, \$1,200.00 each year."

The amendments were adopted.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 4, page 29, line 13, by striking out the figures "\$600.00 each year" and insert in lieu thereof the figures "\$720.00 each year."

The amendment was adopted.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4 by striking out all the appropriation for the Bureau of Child Hygiene, pages 30 and 31.

On motion of Senator Wood, the amendment was tabled.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4, page 32, by striking out all the appropriations for the "Bureau of Sanitary Engineering."

On motion of Senator Wood, the amendment was tabled.

Senator Clark offered the following amendment to the bill:

Amend S. B. No. 4, page 32, by striking out all of lines 28, 29 and 30 and insert in lieu thereof the following:

"Salaries, maintenance and support, \$4,417.00—\$4,417.00."

The amendment was adopted.

Senator McMillin offered the following amendment to the bill:

Amend S. B. No. 4, page 33, line 23, by striking out the figures "\$12,500.00" in each column and inserting in lieu thereof the figures "\$7,500.00."

Senator Clark moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

**Yeas—10.**

Bowers.	Ridgeway.
Clark.	Stuart.
Darwin.	Turner.
Murphy.	Witt.
Parr.	Wood.

**Nays—9.**

Burkett.	Strong.
Fairchild.	Thomas.
Holbrook.	Wirtz.
McMillin.	Woods.
Rice.	

**Present—Not Voting.**

Bailey.	Floyd.
Baugh.	Lewis.

**Absent.**

Cousins.	Pollard.
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**Absent—Excused.**

Bledsoe.	Watts.
Davis.	

(Pair Recorded.)

Senator Rogers (present), who would vote yea; with Senator Doyle (absent), who would vote nay.

Senator Thomas offered the following amendment to the bill:

Amend S. B. No. 4, page 36, line 27, by striking out the figures "\$2,200.00" in each column and substituting therefor the figures "\$3,000.00" in each column.

The amendment was adopted.

**Reasons for Voting Present.**

I desire to be marked present and not voting on the amendment by

Senator Thomas raising the salary of chief of edible nuts, page 36, line 27, for the reason such position is filled by my father, J. H. Burkett, and I desire the Senate act altogether independent of my vote, exercising its own judgment about the advisability of raising or lowering such salary.

**BURKETT.**

(Senator Darwin in the Chair.)

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 4, page 38, line 5, by striking out the figures "\$7,500.00" in each column and insert in lieu thereof the figures "\$15,000.00" in each column.

The amendment was adopted.

Senator Wood offered the following amendments to the bill:

**(1)**

Amend S. B. No. 4, page 39, by striking out the words "two" in line 26 and inserting the word "three" in lieu thereof; and by striking out the figures "\$3,000.00" in each column and inserting in lieu thereof the figures "\$4,500.00" for each year.

**(2)**

Amend S. B. No. 4 by striking out all of line 28, page 39.

**(3)**

Amend S. B. No. 4, page 41, line 15, by striking out after the words "said funds" the following: "And any such fund which has been or may be placed in the general revenue fund."

The amendments were adopted.

Senator McMillin offered the following amendment to the bill:

Amend S. B. No. 4, page 37, line 19, by striking out the figures "\$6,000.00" in each column and inserting in lieu thereof the figures "\$7,500.00" in each column.

The amendment was adopted.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4 by striking out all of line 25, page 42.

On motion of Senator Wood, the amendment was tabled.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4 by striking out all of line 17, page 53.

On motion of Senator Wood, the amendment was tabled.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4 by striking out all of lines 16, 21 and 24, page 53.

On motion of Senator Wood, the amendment was tabled.

Senator Wirtz offered the following amendment to the bill:

Amend S. B. No. 4, by striking out lines 21 and 22 on page 53, under Warehouse Division.

Senator Baugh moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12.

Baugh.	Ridgeway.
Bowers.	Rogers.
Burkett.	Stuart.
Clark.	Turner.
Darwin.	Witt.
Lewis.	Wood.

Nays—14.

Bailey.	Parr.
Cousins.	Pollard.
Fairchild.	Rice.
Floyd.	Strong.
Holbrook.	Thomas.
McMillin.	Wirtz.
Murphy.	Woods.

Absent.—Excused.

Bledsoe.	Doyle.
Davis.	Watts.

Question then recurred on the amendment.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—15.

Bailey.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Fairchild.	Strong.
Floyd.	Thomas.
Holbrook.	Wirtz.
McMillin.	Woods.
Murphy.	

Nays—10.

Baugh.	Rogers.
Bowers.	Stuart.
Burkett.	Turner.
Clark.	Witt.
Lewis.	Wood.

Absent—Excused.

Bledsoe.	Watts.
Davis.	

(Pair Recorded.)

Senator Ridgeway (present), who would vote nay; with Senator Doyle (absent), who would vote yea.

Senator Wirtz offered the following amendment to the bill:

Amend S. B. No. 4, page 53, line 27, by adding after the word "meters" the following, "and warehouses."

The amendment was adopted.

Senator Floyd offered the following amendment to the bill:

Amend the bill by striking out lines 2 to 32, inclusive, on page 53, all of page 54 and down to line 20, on page 55.

Senator Clark moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bailey.	Ridgeway.
Baugh.	Rogers.
Bowers.	Stuart.
Clark.	Turner.
Darwin.	Wirtz.
Holbrook.	Wood.
Murphy.	Woods.
Parr.	

Nays—6.

Burkett.	Floyd.
Cousins.	McMillin.
Fairchild.	Pollard.

Present—Not Voting.

Lewis.	Thomas.
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Absent.

Rice.

Absent—Excused.

Bledsoe.	Doyle.
Davis.	Watts.

(Pair Recorded.)

Senator Strong (present), who would vote nay; with Senator Witt (absent), who would vote yea.

(Lieutenant Governor T. W. Davidson in the Chair.)

Senator Thomas offered the following amendment to the bill:

Amend S. B. No. 4, page 54, line 19, by substituting for figures "\$17,500" the figures "\$15,000."

The amendment was adopted.

Senator Pollard offered the following amendment to the bill:

Amend S. B. No. 4, page 51, line 6, by striking out "\$12,000" and inserting in lieu thereof "\$6,000."

On motion of Senator Clark, the amendment was tabled.

Senator Pollard offered the following amendment to the bill:

Amend S. B. No. 4, page 52, by striking out lines 20 to 32, inclusive, and line 1, on page 53.

On motion of Senator Wood, the amendment was tabled.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4, by striking out the word "six" and insert in lieu thereof the word "three" and strike out the figures "\$12,000.00" in each column, and insert in lieu thereof the figures "\$6,000.00" in each column, line 6, page 56, and strike out all of line 7, same page.

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—12.

Baugh.	Parr.
Bowers.	Ridgeway.
Darwin.	Rogers.
Floyd.	Stuart.
Lewis.	Witt.
Murphy.	Wood.

Nays—11.

Bailey.	Strong.
Clark.	Thomas.
Cousins.	Turner.
Fairchild.	Wirtz.
Holbrook.	Woods.
Pollard.	

Present—Not Voting.

Rice.

Absent.

Burkett. McMillin.

Absent—Excused.

Bledsoe.	Doyle.
Davis.	Watts.

Senator Clark offered the following amendment to the bill:

Amend S. B. No. 4, page 56, line 4, by striking out "\$1,800.00" and insert in lieu thereof "\$1,500.00."

The amendment was lost.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 4, page 35, by striking out all of lines 11 to 15, inclusive, and insert in lieu thereof the following: "Provided that all salaries herein provided for shall be paid out of the appropriation made for the State Reclamation Engineer at the Regular Session of the Thirty-eighth Legislature in H. B. No. 17 and as amended by H. B. No. 35 of the Third Called Session of the Thirty-eighth Legislature."

Senator Holbrook moved to table the amendment, and the motion was lost.

The amendment was then adopted.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 4, page 45, by striking out lines 25 to 28, inclusive, and insert in lieu thereof the following: "Provided that all appropriations herein made for the Board of Water Engineers shall be paid out of the appropriations made to the Board of Water Engineers in H. B. No. 17, passed at the Regular Session of the Thirty-eighth Legislature and as amended by H. B. No. 35 of the Third Called Session of the Thirty-eighth Legislature."

The amendment was adopted.

Senator Parr offered the following amendment to the bill:

Amend S. B. No. 4, page 56, line 21, by striking out the figures "\$600.00" in each column and insert in lieu thereof "\$720.00" in each column.

The amendment was lost.

Senator Baugh moved to reconsider the vote by which an amendment was adopted reducing salary of actuarial clerk in Department of Insurance and Banking, and the motion was lost.

Senator Clark offered the following amendment to the bill:

Amend S. B. No. 4 by striking out all of line 9, page 58, to line 9, page 60.

The amendment was lost.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4 by striking out the figures "\$9,000.00" in both columns, line 10, page 63, and insert in lieu thereof the figures "\$7,500.00" in each column.

Senator Darwin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Baugh.	Ridgeway.
Bowers.	Rogers.
Burkett.	Thomas.
Darwin.	Turner.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.

Nays—11.

Bailey.	Lewis.
Clark.	Rice.
Cousins.	Strong.
Fairchild.	Stuart.
Floyd.	Woods.
Holbrook.	

Absent.

Pollard.

Absent—Excused.

Bledsoe.	Doyle.
Davis.	Watts.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 4 by striking out the figures "\$10,000.00" in column 2, line 31, page 63.

On motion of Senator Wood, the amendment was tabled.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 4, page 69, by renumbering the emergency clause as Section 4 and by inserting Section 3 just above the emergency clause, which section shall read as follows:

"Sec. 3. Provided, however, that no money herein or hereby appropriated except that which is provided for in Section 2 of this bill, shall ever be used in, applied to, available for the payment of those three certain alleged notes, or any part of same in the principal sum of \$31,250.00 each, dated December 11, 1920, payable to the Fort Bend Cotton Oil Company or order, claimed to have been executed by

the Board of Prison Commissioners in an alleged purchase by the Board of Prison Commissioners from the Fort Bend Cotton Oil Company of the Fort Bend Cotton Oil Company's cotton seed oil mill properties at Richmond, Fort Bend County, Texas, nor in payment of any court costs accrued or accruing in the case of Houston National Exchange Bank vs. A. J. Herring et al., No. 95712, brought by the Houston National Exchange Bank in the District Court of the Eightieth Judicial District, Harris County, Texas, to enforce the payment of said notes: nor used in, applied to or available for the payment of or in any way upon that certain note in the sum of \$39,000.00 payable to Bassett Blakely or order and executed by the Board of Prison Commissioners in part payment for certain mules and horses purchased by the Board of Prison Commissioners for the use and benefit of the State of Texas from said Bassett Blakely in January, 1921; and the Board of Prison Commissioners is expressly prohibited from making any payment, settlement, trade or transaction whatsoever with respect to said notes or any debt, claim or demand whatsoever concerning same."

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 4, page 70, by adding after Section 3 another section to be known as Section 4.

"Sec. 4. To build and equip within the walls of the State Penitentiary at Huntsville, Texas, a building to be used for chapel and school purposes for the inmates of the penitentiary, for the first year of the ensuing biennium, \$5,000.00."

The amendment was adopted.

Senator Clark offered the following amendment to the bill:

Amend S. B. No. 4, page 63, line 10, by striking out the figures "\$9,000.00" and insert in lieu thereof "\$7,000.00."

Senator Darwin moved to table the amendment:

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—14.

Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Rogers.
Darwin.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.

## Nays—11.

Bailey.	Lewis.
Clark.	Rice.
Cousins.	Strong.
Fairchild.	Stuart.
Floyd.	Turner.
Holbrook.	

Absent.

Thomas. Woods.

Absent.—Excused.

Bledsoe. Doyle.  
Davis.

Senator Holbrook offered the following amendment to the bill:

Amend S. B. No. 4, page 63, line 10, by substituting "\$8,000.00" where it occurs, for "\$9,000.00."

Senator Rogers moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—11.

Bowers.	Pollard.
Burkett.	Ridgeway.
Darwin.	Rogers.
McMillin.	Witt.
Murphy.	Wood.
Parr.	

## Nays—15.

Bailey.	Rice.
Baugh.	Strong.
Clark.	Stuart.
Cousins.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Woods.
Lewis.	

Absent.

Thomas.

Absent.—Excused.

Bledsoe. Doyle.  
Davis.

Question then recurred on the amendment.

Yeas and nays were demanded,

and the amendment was adopted by the following vote:

## Yeas—15.

Bailey.	Rice.
Baugh.	Strong.
Clark.	Stuart.
Cousins.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Woods.
Lewis.	

## Nays—11.

Bowers.	Pollard.
Burkett.	Ridgeway.
Darwin.	Rogers.
McMillin.	Witt.
Murphy.	Wood.
Parr.	

Absent.

Thomas.

Absent.—Excused.

Bledsoe. Doyle.  
Davis.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 4, under head Industrial Accident Board, page 47, line 26, by striking out the figures "\$1,200.00" per annum and insert "\$3,000.00."

The amendment was lost.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 4, page 47, line 17, by striking out figures "\$2,500.00" each year and inserting in lieu thereof the figures "\$2,700.00" each year.

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 4, page 48, line 11, by striking out figures "\$3,000.00" each year and inserting in lieu thereof "\$4,000.00" each year.

The amendment was lost.

Question then recurred on the passage of the bill to engrossment.

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

## Yeas—19.

Baugh.	Murphy.
Bowers.	Parr.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Lewis.	Thomas.
McMillin.	Turner.



Watts.  
Wirtz.  
Witt.

Wood.  
Woods.

Nays—8.

Bailey.  
Burkett.  
Fairchild.  
Floyd.

Holbrook.  
Pollard.  
Strong.  
Stuart.

Absent—Excused.

Bledsoe.  
Davis.

Doyle.

#### S. B. No. 4 on Third Reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 4 was put upon its third reading and final passage by the following vote:

Yeas—27.

Bailey.  
Baugh.  
Bowers.  
Burkett.  
Clark.  
Cousins.  
Darwin.  
Fairchild.  
Floyd.  
Holbrook.  
Lewis.  
McMillin.  
Murphy.  
Parr.

Pollard.  
Rice.  
Ridgeway.  
Rogers.  
Strong.  
Stuart.  
Thomas.  
Turner.  
Watts.  
Wirtz.  
Witt.  
Wood.  
Woods.

Absent—Excused.

Bledsoe.  
Davis.

Doyle.

The Chair then laid S. B. No. 4 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—18.

Baugh.  
Clark.  
Cousins.  
Darwin.  
Lewis.  
McMillin.  
Murphy.  
Parr.  
Rice.

Ridgeway.  
Rogers.  
Thomas.  
Turner.  
Watts.  
Wirtz.  
Witt.  
Wood.  
Woods.

Nays—9.

Bailey.  
Bowers.  
Burkett.  
Fairchild.  
Floyd.

Holbrook.  
Pollard.  
Strong.  
Stuart.

Absent—Excused.

Bledsoe.  
Davis.

Doyle.

#### S. B. No. 25 on Second Reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 25 was put upon its second reading and passage to engrossment by the following vote:

Yeas—26.

Bailey.  
Baugh.  
Burkett.  
Clark.  
Cousins.  
Darwin.  
Fairchild.  
Floyd.  
Holbrook.  
Lewis.  
McMillin.  
Murphy.  
Parr.

Pollard.  
Rice.  
Ridgeway.  
Rogers.  
Strong.  
Stuart.  
Thomas.  
Turner.  
Watts.  
Wirtz.  
Witt.  
Wood.  
Woods.

Absent—Excused.

Bledsoe.  
Bowers.

Davis.  
Doyle.

The Chair then laid before the Senate on its second reading,

S. B. No. 25, A bill to be entitled "An Act creating West Columbia Independent School District in Brazoria County, Texas; defining its boundaries, including the present Common School District No. 16 in Brazoria County, Texas; providing for a board of trustees in said district, conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; validating a bond issue of \$40,000 heretofore voted in said district; re-

pealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

On motion of Senator Holbrook, the Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

S. B. No. 25 was then passed to engrossment.

#### S. B. No. 25 on Third Reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 25 was placed upon its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.
Parr.	

Absent.—Excused.

Bledsoe.	Doyle.
Davis.	

The Chair placed S. B. No. 25 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.
Parr.	

Absent.—Excused.

Bledsoe.	Doyle.
Davis.	

(Senator Lewis in the Chair.)

#### Adjournment.

On motion of Senator Pollard, the Senate at 5:50 p. m. adjourned until 10 a. m. tomorrow.

#### APPENDIX.

##### Petitions and Memorials.

Senator Doyle offered and had read the following communication from Mr. Osborne Kennedy of Mexia:

Mexia, Texas, June 5, 1923.

Hon. W. E. Doyle, Senator, Austin, Texas.

Dear Judge: I am writing you in behalf of A. & M. College of Texas.

Please do everything in your power to secure a liberal appropriation both for maintenance and buildings. The past session three hundred boys were housed in tents, quarters I do not consider good enough for Mexican peons, much less red-blooded boys of Texas, who in the years to come are destined to do practical good for all mankind.

The A. & M. of Texas is the biggest thing of its kind in the world and is doing more practical good than any other institution, and it is not in any sense a political incubator.

I know the world has gone mad with extravagance, and the tax-gatherers are abroad in the land, but money spent for practical education is not extravagance, and now more than ever before in the history of the world we need men who can and will do something practical for the good of mankind.

Use the pruning knife on everything else.

"I pray the Lord, take whatever else I've got,

"But leave dot leetle Yawcob Strauss."

Your friend,  
OSBORNE KENNEDY.

**Committee Reports.**

Committee Room,  
Austin, Texas, June 7, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, your Committee on Civil  
Jurisprudence, to whom was referred  
H. C. R. No. 10, Granting permis-  
sion to Judge J. R. Warren to ab-  
sent himself from the State for a  
period of forty days from July 23,  
1923, with the pending Senate  
amendment accompanying the same.

Have had same under considera-  
tion, and I am instructed to report  
the same back to the Senate with the  
recommendation that the resolution  
be adopted, but that the proposed  
amendment be not adopted, and be  
not printed.

BAILEY, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, June 7, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, a majority of your Com-  
mittee on State Affairs, to whom was  
referred

H. B. No. 36, A bill to be entitled  
"An Act amending Section 15 of  
Article 7355 of the Revised Civil  
Statutes of Texas of 1911, relative  
to occupation taxes, fixing the  
amount of taxes to be levied on all  
carnival companies; conferring upon  
counties, incorporated cities, towns  
and villages authority to levy occu-  
pation taxes; providing for the  
bringing of suit for the collection  
of such taxes due the State of Tex-  
as, and fixing the venue thereof, and  
declaring an emergency,"

Have had same under considera-  
tion, and beg leave to report the  
same back to the Senate with the  
recommendation that it do pass  
with the following amendments:

**Amendment No. 1.**

Amend H. B. No. 36, Section 1,  
page 1 of the original bill, by in-  
serting after the word "exhibition"  
in line 8 and after the words "first  
day" in lines 18 and 21, the words  
"in each and every city, town, vil-  
lage or place where an exhibition is  
given."

**Amendment No. 2.**

Amend H. B. No. 36 by adding  
to Section 1, page 2 of the original  
bill after the last word in said sec-  
tion, the following paragraph:

"Provided, that where any carni-  
val or carnivals, shows, amuse-  
ments or entertainments are held  
under the auspices of any chamber  
of commerce of any city or other  
similar organization, for not longer  
during any one year of a period or  
periods aggregating thirty days, it  
shall not be necessary for such car-  
nivals, shows, or entertainments to  
pay any tax to the State, city or  
county during the operation of said  
show by said chamber of commerce  
or other similar organization, but  
there shall be assessed against said  
chamber of commerce or other or-  
ganization a State tax of one hun-  
dred dollars."

We further recommend that the  
bill and the amendments be printed  
in the Journal.

Witt, Baugh, Clark, Strong, Pol-  
lard, Ridgeway, Floyd, Wood.

(No minority report filed.)

(Majority Report.)

Committee Room,  
Austin, Texas, June 7, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, a majority of your Com-  
mittee on State Affairs, to whom was  
referred

H. B. No. 28, A bill to be entitled  
"An Act amending Section 14 of  
Article 7355 of the Revised Civil  
Statutes of the State of Texas of  
1911, relative to occupation taxes,  
fixing the amount of taxes to be  
levied on circuses, shows, amusement  
companies, trained animal shows,  
wild west shows and other companies  
of similar kind and character; con-  
ferring upon counties, incorporated  
cities, towns and villages authority  
to levy occupation taxes; providing  
for the bringing of suit for the collec-  
tion of such taxes due the State of  
Texas and fixing the venue thereof;  
making certain exemptions from the  
provisions of this Act; repealing all  
laws in conflict herewith, and declar-  
ing an emergency."

Have had same under considera-  
tion, and I am instructed to report  
the same back to the Senate with the  
recommendation that it pass with the  
following committee amendments:

## Amendment No. 1.

Amend H. B. No. 28, Section 1, page 1, of the original bill, by inserting after the word "exhibition," in line 10, the following words: "in each and every city, town, village or place where an exhibition is given."

Substitute the word "five" for the word "ten," in line 15, page 1.

And after the word "state," in line 3, page 2, add the words "for the first day of exhibition in each and every city, town, village or place where an exhibition is given."

## Amendment No. 2.

Amend H. B. No. 28, Section 1, page 2, by adding after line 3 of the original bill, after the period in said line the following:

"And three dollars per day for each and every succeeding day an exhibition or performance is given after said first day," and after the word "used," in line 9, the following words: "and seven dollars per day for each and every succeeding day an exhibition or performance is given after said first day."

We further recommend that the bill and the amendments be printed in the Senate Journal.

WITT, Chairman.

(No minority report filed.)

(Majority Report.)

Committee Room,

Austin, Texas, June 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 20, A bill to be entitled "An Act providing for the supervision and regulation of the transportation of persons and property for compensation or hire over any public highway by motor propelled vehicles, etc."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

(No minority report filed.)

Committee Room,

Austin, Texas, June 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 21, A bill to be entitled "An Act to amend Subdivision 2 of Section 2 and Section 4 of House Bill No. 183, passed at the Second Called Session of the Thirty-eighth Legislature, etc."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, June 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 22, A bill to be entitled "An Act making an appropriation for two years for any unexpended balance of an appropriation made to purchase additional lands for the University of Texas, which appropriation was made by the Thirty-seventh Legislature at its Regular Session, said Act being Chapter 137 of the General Laws of said Regular Session; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, June 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 23, A bill to be entitled "An Act to amend Sections 1 and 3, Chapter 2, Special Laws of Texas, Thirty-seventh Legislature, First Called Session, an Act creating the McCaulley County Line Independent School District in Fisher and Jones Counties; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, June 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 24, A bill to be entitled "An Act to create the Sylvester Independent School District in Fisher County, Texas, including the present Sylvester Independent District of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Sylvester Independent District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, providing for the assumption of any outstanding bonded indebtedness created by the present Sylvester Independent District; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, June 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 25, A bill to be entitled "An Act creating the West Columbia Independent School District in Brazoria County, Texas; defining its boundaries, including the present Common School District No. 16 in Brazoria County, Texas; providing for a board of trustees in said district, conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; validating a bond issue of \$40,000.00 heretofore voted in said district; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had same under considera-

tion, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

#### SIXTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Friday, June 8, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Strong.

(See Appendix for committee reports, petitions and memorials.)

#### Excused.

Senator Burkett for today, on account of important business, on motion of Senator Wirtz.

Senator Clark, for today, on account of important business, on motion of Senator Strong.

#### Bills on First Reading.

The following bills, introduced today, were each read first time and referred to appropriate committees as follows: